

REMARKS

This Reply is responsive to the Office Action¹ of August 18, 2009. Claims 1-33 were the subject of an appeal in an Appeal Brief filed March 26, 2007. The Board of Appeals affirmed the rejection of claims 11-20 but reversed the rejection of claims 1-10 and 21-33. Claims 1-10 and 21-33 are now allowed per the Office Action, page 2. Claims 1-33 are pending.

Claims 11-20 are rejected under 35 U.S.C. §102(e) as being anticipated by Gelman et al. U.S. Patent. No. 6,415,329 B1 (referred to hereinafter as “Gelman”). Applicant respectfully traverses this rejection for the following reasons.

Independent claims 11 and 16 are amended herein in accordance with the suggestions made in the Office Action to achieve allowability of claims 11 and 16. However, Applicant respectfully disagrees that any such amendment is necessary for reasons given below.

In the “Response to Arguments” section starting on page 2 in the Office Action, the Examiner indicates that a previous amendment which changed the language in claim 11 from “transmit the data packet with the second destination address to a second translator” (emphasis added) to “transmit the data packet including the second destination address to a second translator” (emphasis added) was, by itself, insufficient to achieve allowability of claim 11 (and similarly for claim 16). According to the Office Action, claim 11 does “not recite all of the (allowable) feature of claims 1-10 and 21-33” because “Claims 11 and 16 does [do] not further limit or claim translation at a second destination.Whereas, claims 1 and 21 additionally claims [claim] the feature of receiving and translating again at the second translator. Thus, the claimed

¹ As Applicant’s remarks with respect to the Examiner’s rejections are sufficient to overcome these rejections, Applicant’s silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references, assertions as to dependent claims, etc.) is not a concession by Applicant that such assertions are accurate or such requirements have been met, and Applicant reserves the right to analyze and dispute such assertions/requirements in the future.

invention of claims 11-20 does not implicitly require the allowable features of claims 1-10 and 21-33.” (Office Action, pgs 2-3) Accordingly, the Examiner is pointing to what the Examiner views as the “allowable features” of the allowed claims in the Office Action.

Applicant shall accept the Examiner’s direction in this regard for purposes of advancing the prosecution. However, Applicant does not acquiesce in the Examiner’s reasoning regarding the instant rejection of claims 11-20. In Applicant’s view, the Examiner should also have found claims 11-20 allowable prior to the instant amendment for reasons previously given. Moreover, in Applicant’s view, the Board should also have reversed the rejection of claims 11-20 for the same reasons given for its reversal of the rejection of claims 1-10 and 21-33. Nevertheless, Applicant has made amendments to claims 11 and 16 to include “allowable features” identified by the Examiner in the Office Action to advance the prosecution of this application to an allowance.

In claim 11, by way of this amendment, Applicant includes the language: “receive in the second address translator the data packet including the second destination address; translate the second destination address back to the first destination address in the second address translator; and forward the data packet from the second address translator to the real destination using the first destination address.”

In claim 16, by way of this amendment, Applicant includes the language: “receiving in the second address translator the data packet including the second destination address; translating the second destination address back to the first destination address in the second address translator; and forwarding the data packet from the second address translator to the real destination using the first destination address.”

Accordingly, Applicant respectfully requests that claims 11-20 be allowed and that the application be promptly passed to issue.

Applicant maintains, and the Board apparently agrees, and Applicant believes that the Examiner also agrees that Gelman does not include any address information with its data packet when sending its data packet from source gateway 12 associated with first translator SNAT 64A to destination gateway 16 associated with second translator SNAT 64B. The destination address is stripped away from the data and is sent separately from gateway 12 to gateway 16 in a CONNECT message prior to sending data in a separate DATA message. This is plainly understood from Gelman's Table 5 in column 22.

Applicant had described this operation of Gelman in substantial detail in the Appeal Brief, pgs 10-14, which shall not be repeated in the interest of brevity, but which is incorporated herein by reference. In accordance with this operation description, a claim limitation reciting the forwarding of a packet, which includes both payload data and destination data in the packet, from a first translator to a second translator, by itself, avoids Gelman. Thus, Applicant reserves all rights to prosecute continuing applications seeking claim breadth consistent with this view of Gelman.

CONCLUSION

Reconsideration and allowance are respectfully requested. Claims 1-10 and 21-33 are allowed. Applicant submits that Claims 11-20 are allowable for reasons given above.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 07-2347 and please credit any excess fees to such deposit account.

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